

REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-101 are pending in the application. Claim 73 has been amended to correct informalities, and claim 82 has been amended to address a minor error. New claim 102 has been added.

Allowable Subject Matter

Applicants note with appreciation the indication on page 8 of the Office Action that claims 29-72, 76 and 96-101 are allowed.

The Examiner indicated that claims 82-89 remain rejected under 35 USC §112, second paragraph, but would be allowable once the §112 rejection were addressed and after being rewritten in independent form.

Applicants have amended claim 82 into independent form, which no longer depends indirectly from claim 73 that was rejected under §112, second paragraph. Accordingly, claims 82-89 should now be allowed. Acknowledgment of same is respectfully requested.

Response to Arguments

On page 2 of the Office Action dated April 1, 2010, the Examiner indicated that “Applicant offered no arguments with respect to art rejection.” Applicants respectfully note that on page 14 of the reply dated March 1, 2010, Applicants submitted that the prior art of record fails to show “selecting between the first position solution and the second position solution based on a predetermined selection criteria, wherein the first position solution and the second position solution are based upon separate measurements,” as recited in claim 1. Because Applicants desired clarification of the rejection, the arguments were kept brief.

However, Applicants do appreciate the efforts of the Examiner to clarify the rejections. Each of the clarified rejections set forth in the outstanding Office Action are addressed in further detail below.

Claim Rejections – 35 USC § 112

Claims 73-81 and 90-95 are rejected under 35 USC § 112, second paragraph, as being indefinite for lacking antecedent basis. Specifically, the Examiner indicated that the features

“the first position” and “the second position” recited in claim 73 lacked sufficient antecedent basis. Applicants have amended claim 73 to overcome this rejection. Applicants respectfully request that the Examiner withdraw the §112, second paragraph, rejection.

Claim Rejections – 35 USC § 102

Claims 1-10, 28, 73-75, 77-81 and 90-92 are rejected under 35 USC § 102(b), as being anticipated by Watters (U.S. Patent No. 5,982,324). Applicants respectfully disagree for the following reasons.

Applicants submit that Watters merely shows a system that computes a position of a mobile terminal that will generally use GPS solutions. However, whenever the requisite number of satellites are not in view of the GPS receiver, the mobile terminal may calculate position using the cellular infrastructure using time of arrival (TOA) or time delay of arrival (TDOA) techniques (col. 19, lines 31-42; Fig. 11). Referring to Fig. 11, after the mobile terminal determines that there are enough GPS satellites to compute a position (block 1110), the location may be determined using GPS (block 1115) until the number of satellites in view falls below the minimum number to determine position solution. If this condition is determined in block 1110, the mobile terminal may utilize cellular positioning (1120, 1125). (See col. 20, line 44 – col. 21, line 11.) In another example, Watters discloses uses a combination of both GPS and cellular positioning (col. 21, lines 33-38; Fig. 11, blocks 1125, 1126).

However, Watters fails to show, as recited in claim 1:

determining a first position solution ...
determining a second position solution... and
selecting between the first position solution and the second position solution based on a predetermined selection criteria, wherein the first position solution and the second position solution are based upon separate measurements.

(Emphasis added.)

Instead, when Watters selects between the GPS and cellular position solutions, Watters does so by initially determining that there are not enough GPS satellites in view to compute a GPS solution. Therefore, in this case, Watters can only determine one type of positions solution (i.e., cellular based) and switches over accordingly because the other type of position solution (i.e., GPS) is unavailable. In the other example, when Watters computes both GPS and cellular

solutions, the reference combines them to improve accuracy, and does not select one over the other based upon predetermined criteria, as required by claim 1.

On page 4 of the Office Action, the Examiner characterizes Watters as disclosing “a combination of GPS satellite signals and eh pseudo satellite signals are utilized to calculate position of the terminal, ... weighting technique is used to combine the results”

However, claim 1 does not combine a first and second position solution, but instead selects between them. Applicants submit that the Examiner fails to address this feature in the rejection of claim 1 based on Watters.

Accordingly, Applicants request that the Examiner withdraw the rejection of claim 1.

The remaining independent claim (i.e., claim 73) recites related subject matter to the above-identified independent claim 1, and is therefore allowable for reasons similar to those given above. Further, the dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

Claim Rejections – 35 USC § 103

Claims 11-27 and 93-95 are rejected under 35 USC § 103, as being unpatentable over Watters (U.S. Patent No. 5,982,324) in view of Maki (U.S. Patent No. 5,323,163). Applicants respectfully traverse this rejection.

Applicants respectfully submit that the Maki reference, as applied, at least fails to cure the above-noted deficiencies of Watters in relation to independent claims 1 and 73 (assuming the references are combinable, as alleged, which Applicants do not admit). Accordingly, since the above-referenced dependent claims depend respectively from allowable independent claims 1 or 73, they are allowable at least by virtue of their dependency. Applicants therefore respectfully request the Examiner withdraw the rejections of claims 11-27 and 93-95.

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Amendment dated June 1, 2010
Reply to Office Action of October 28, 2009

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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